

46th Annual Conference on Immigration and Nationality Law

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UT LAW CLE

Site Visits and Audits – Preparing for the Epilogue

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Reverse Engineering Immigration Applications/Filings for Benefits

Before Filing any application for a benefit consider:

- Enforcement agencies
- Data reviewed and shared
- Accuracy of intake process
- Social media and internet footprint
- Prior compliance

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Agencies to Keep in Mind

- Department of Labor – including W & D
- Department of State – DSS
- USCIS – FDNS
- ICE and HSI
- CBP
- DOJ- IER

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FRAUD and its Multiple Flavors

- Willful or Knowing Misrepresentation of Material Facts
- Document Fraud/Identity Theft
- 18 USC §1001
- 18 USC §§1541–1547
- 18 USC §1621
- 8 USC §1324c

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Consequences of Fraud

- Visa Revocation/Cancellation
- Revocation of Petition/Benefit Approval
- Suspension of PERM processing (employer/attorney/agent)
- Fines and/or imprisonment for up to Five years
- Debarment (employer/attorney/agent)
- Back Wages, Reinstatement, Return of Illegal Payments

Declarations and Audits – I-129

Part 7. Declaration, Signature, and Contact Information of Petitioner or Authorized Signatory (Read the information on penalties in the instructions before completing this section.)

Copies of any documents submitted are exact photocopies of unaltered, original documents, and I understand that, as the petitioner, I may be required to submit original documents to U.S. Citizenship and Immigration Services (USCIS) at a later date.

I authorize the release of any information from my records, or from the petitioning organization's records that USCIS needs to determine eligibility for the immigration benefit sought. I recognize the authority of USCIS to conduct audits of this petition using publicly available open source information. I also recognize that any supporting evidence submitted in support of this petition may be verified by USCIS through any means determined appropriate by USCIS, including but not limited to, on-site compliance reviews.

If filing this petition on behalf of an organization, I certify that I am authorized to do so by the organization.

I certify, under penalty of perjury, that I have reviewed this petition and that all of the information contained in the petition, including all responses to specific questions, and in the supporting documents, is complete, true, and correct.

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